

Kimberly Thompson  
4400 W, Airport Blvd, #2310  
Houston, TX 77045  
832-935-3970  
Defendant in Pro Se

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

PALOMINO PLACE APTS

Plaintiff,

vs.

KIMBERLY THOMPSON

Defendant.

) Case No.:

) **NOTICE OF REMOVAL**  
) **[28 U.S.C. 1441, 14446 (6)]**

) **FROM THE COUNTY COURT OF**  
) **HARRIS COUNTY**  
) **Case No.:187100410307**

Defendant alleges:

**PARTIES AND COUNSEL**

1. Defendant, KIMBERLY THOMPSON, and Plaintiff, PALOMINO PLACE APTS are those parties in a Texas County Court filed in the Harris County Court of Harris County, concerning real property located at , 4400 W. Airport Blvd #2310, Houston, TX 77045 [hereinafter referred to as "premises"], within this court's jurisdiction.

2. Defendant, KIMBERLY THOMPSON are the tenants of the premises, and participants in this litigation.

3. Wherefore, Defendant, is a bona fide tenant.

4. Plaintiff is NOT represented by counsel in the County Court action.

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**FEDERAL QUESTION**

5. Plaintiff has actually filed a Federal Question Action in County Court, for which the County Court Action is removed under 28 U.S.C. 1441 *et seq.* ***Hunter v Philip Morris***, USA,

**NOTICE OF REMOVAL**

1 582 F. 3d 1039, 1042-43 (9th Cir. 2009); 28 U.S.C. 1331.

2 6. The Complaint in this action was filed in County Court as artful pleading, entitled  
3 by the County Court of Texas as “ Petition For Eviction From Residential Premises”.  
4 Pleadings intentionally fails to allege compliance with the Civil Rights Act of 1968. Defendant  
5 has multiple habitability issue including the air conditioner that does not work properly.

6 7. A well-placed Complaint is shown at least where the Plaintiff’s right to relief  
7 necessarily depends on resolution of a substantial question of Federal Law. [*Armstrong v N.*  
8 *Mariana Islands*, 576 F. 3d 950, 954-55 (9th Cir. 2009); *Empire Healthcare Assurance v.*  
9 *McVeigh* 547 US 677, 687-690 (2006); *Franchise Tax Bd v. Const. Laborers Vacation Trust*  
10 *for S. Cal.* 463 US 1, 12, 27-28 (1983)].

11 8. Even where the cause of action is based on state law, the District Court has subject  
12 matter jurisdiction over the case if (1) the federal issues are essential to the claims, (2) there is  
13 a substantial federal issues in resolving such issues, and (3) a Federal forum may entertain the  
14 State Law claims without disturbing the balance of Federal and State judicial responsibilities.  
15 [*Grable & Sons Metal Prods v. Darue Engr & Mfg.* 545 US 308, 313, 315 (2005)]. Here,  
16 the rights of the Defendants are clearly at stake.

17 9. To be a Federal Cause of Action, there must also be a private right of action.  
18 [*Merrill Dow Pharms. Inc. v. Thompson* 478 US 804, 817 (1986)]. It can be either express  
19 or implicit. [*Diaz v. Davis* 549 Fed 3d 1223, 1229-1230 (9th Cir. 2008)]. The Court must  
20 look to the “rights creating” language and statutory structure within which it is contained.  
21 [*Lamie v. Unites States Trustee* 540 US 526, 534 (2004)]. The Court must assume that  
22 Congress did not intend to create a right without a remedy. [First *Pacific Bancorp, Inc. v.*  
23 *Helper*, 224 F. 3d 1117, 1123, 1125-26, (9th Cir. 2000)].

24 10. Defendant is a members of a protected class of whom the statue, the “Civil  
25 Rights Act of 1968” was created.

26 11. The Federal Cause of Action in eviction/ejectment is the basis for this action,  
27 irrespective of artful pleading, such that action could have been brought in Federal District  
28

1 Court.

2  
3 **REMOVED ACTION**

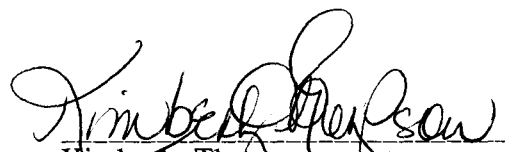
4 12. The Notice of Removal is timely under Section 1446 (b) of Title 28 of the United  
5 States Code because it is filed within 30 days of discovering that the case was ripe for removal.

6 13. A true and correct copy of the County Court Complaint of the action, Defendant's  
7 Pre-Judgment Claim of Right to Possession and related documents, sought to be removed to  
8 this Court are attached hereto and incorporated herein by reference.

9 14. Defendant is a bona fide residential tenant and entitled to the protection of the  
10 Federal Court, and entitled to remove this action to Federal Court.

11 15. Under Texas Code of Civil Procedure the County Court hereby loses jurisdiction  
12 under the Federal Rules of Civil Procedure and does not recover jurisdiction, if at all, until and  
13 unless this action is remanded to the County Court, after which jurisdiction will again attach as  
14 described in that statute.

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18  
19 Dated: 9/24, 2018

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21   
22 Kimberly Thompson  
23 4400 W, Airport Blvd, #2310  
24 Houston, TX 77045  
25 832-935-3970  
26 Defendant in Pro Se  
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NOTICE OF REMOVAL